In the United States District Court

For the Western District of Virginia

Danville Division

Brian David Hill **Plaintiff(s)** **v.** **Executive Office for United States Attorneys (EOUSA)** **&** **United States Department of Justice (U.S. DOJ)** **Defendant(s)**	**Civil Action No. 4:17-cv-00027**

PLAINTIFF'S OBJECTION TO THE DEFENDANTS' "ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF"

NOW COMES, the plaintiff ("Brian D. Hill"), representing himself, and hereby responds to the Defendants' Attorney's ("U.S. Government") response to "ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF" (See Doc. # 9).

It is upon information and belief as follows:

1. The plaintiff received the "Answer to Complaint for Declaratory and Injunctive Relief" via U.S. Postal Service ("USPS") on June 12, 2017. The plaintiff also received the mailing from the U.S. District Court Clerk's office containing "NOTICE TO PARTIES OF RIGHT TO CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE" (See Doc. #10), and "PRETRIAL ORDER" (See Doc. #11) on June 12, 2017.

2. The plaintiff has reviewed over the answers and determine that they are not to the extent of truth, facts, evidence, and law.
3. **Objection #1:** Defendants' Attorney stated that *"Paragraph I (A) contains plaintiff's description of the plaintiff involved in this Complaint, to which no response is required. To the extent that a response is deemed required, defendants deny the allegations in paragraph I (A)."* Paragraph I (A) doesn't even ask for an answer and was not directed at the U.S. Government. This was part of a modified "Pro Se 1 (Rev. 09/16)" form so it only had stated the facts of what had to legally be filed to be considered a valid complaint. Stating that a response that they deny the allegations over simple information in a complaint form (modified from its original) is idiotic. Filing answers to contact information and denying it, when that information has to be filled out before a lawsuit can be filed, shows the ignorance of the Attorney whom has worked on the answers. It is true that no response is required since that particular paragraph isn't a Federal question but just stating the facts of whom is sued, and the address of whom is being sued, it still sounds idiotic in my opinion, like it was done very quickly.
4. **Objection #2:** Defendants' Attorney stated that "*Paragraph I (B) contains plaintiff's description of the defendants involved in this Complaint, to which no response is required, except only to admit that DOJ and EOUSA are named as defendants in the Complaint. To the extent that a response is deemed required, defendants deny the allegations in paragraph I (B).*" That entry never asked for answers either. Again the U.S. Attorney denies all allegations in that paragraph when all it clearly contains is information relevant to whom the parties are and their addresses which is normally required when filing a complaint. All formal lawsuits/litigation requires input of the Plaintiff, the Plaintiff's addresses, and the Defendant or

Defendants', the Defendant or Defendants' addresses. To simply state that they deny the "allegations" when no allegations were made in that paragraph alone is simply idiotic and denying the addresses and parties is like denying the existence of such agencies and/or sub-agencies. It is true that no response is required since it isn't a Federal question but just stating the facts of whom is sued, and the address of whom is being sued, it still sounds idiotic in my opinion, like it was done very quickly.

5. **Objection #3:** Defendants' Attorney stated that *"Paragraph II contains conclusions of law, to which no response is required. To the extent an answer is deemed required, defendants deny the allegations in paragraph II."* That is true that no response is required to this paragraph, however it does state federal law and the U.S. Constitution which is apart of federal law. The fact that the defendants deny the allegations over a simple legal basis of the suit such as "Freedom of Information Act ("FOIA"), 5 U.S.C. §552, Right to discovery packet of evidence under the 14th Amendment of the U.S. Constitution, Due Process clause (citing Brady v. Maryland, 373 U.S. 83 (1963))" is also idiotic in my opinion. Both the FOIA and the 14th Amendment under the U.S. Constitution (the due process clause in the Bill of Rights) are not allegations against the U.S. Government but are simply stating the federal law under the FOIA and the fourteenth amendment that the plaintiff believes was violated by the Defendants. FOIA and the due process clause are both used as a vehicle giving the plaintiff a right to the evidence that was originally used to wrongfully indict the plaintiff, wrongfully convict the plaintiff, then the criminal charge was used to abuse and deny the plaintiff's due process rights. Such due process rights being violated was the fact that the plaintiff never got to see his entire discovery packet until after his false guilty plea. Plaintiff plead guilty falsely without

ever understanding what evidence was originally used against him, and that is a major Brady Violation to the letter. The purpose of the FOIA was to recover the plaintiff's lost due process rights that were never given to him as he was facing a jury trial in criminal court in 2014, with no knowledge of most of the discovery evidence material that was in the U.S. Attorney's hands in Greensboro, and given the choice of 20 years in federal prison or falsely take the guilty plea agreement. Plaintiff's Constitutional rights were entirely deprived, to even such an extent of being threatened by multiple federal judges in Greensboro, as if the plaintiff clearly has no constitutional rights to prove actual innocence and has no right to effective assistance of Counsel. Plaintiff was systematically deprived of the entire due process clause at the L. Richardson Preyer Federal Building (See Doc. #12) and U.S. Courthouse. The plaintiff wants to use the FOIA to help gather the lost evidence to aid in righting his wrongful conviction, to make sure that an innocent man is never convicted of a crime, far outweighs the need to purge or conceal the very evidence that was originally used to coerce the false guilty plea of the plaintiff, then being threatened with perjury after systematically being deprived of all due process. The right to effective Counsel was deprived in his criminal case but instead John Scott Coalter and Eric David Placke both totally colluded with the U.S. Attorney of Greensboro to ensure a false guilty plea instead of a defense strategy. The right to discovery and have the ability to have expert witnesses testify was also deprived with the exception of Dr. Dawn Graney (prison psychologist of Federal Correctional Institution 1 ("FCI-1") at Butner, NC) whom lied about the plaintiff or made wrong diagnoses in her psychological report, but the legal Counsel wouldn't fight to correct any incorrect diagnoses. Plaintiff was denied discovery by not being allowed to read the entire discovery

packet until after the final conviction on November 12, 2014 (See Docket sheet for criminal case # 1:13-cr-435-1, U.S. District Court for the Middle District of North Carolina). The time that the plaintiff finally got to see his entire discovery packet was on January 22, 2015 (See Doc. #12). The plaintiff faced a risk of revocation of his supervised release so he stated in Federal Court on June 30, 2015, in front of the honorable District Court Judge Thomas D. Schroeder, filing claims that he had an continued interest in proving his actual innocence via a 2255, which the Hon. Schroeder stated that "By reading those, there is clearly an attitude of defiance and refusing to accept his own guilty plea and a claim that he's been framed," and that right there shows evidence that the plaintiff never wanted to falsely plead guilty but just wanted to simply have his Constitutional rights to due process which he was entirely deprived of in the Greensboro and Winston Salem Federal Courthouses. Entirely deprived of Constitutional due process rights and his right to effective assistance of Counsel. That is why the plaintiff files this lawsuit, as his only viable means to prove his actual innocence. He doesn't wish to file anything frivolous. All the plaintiff wants is to prove his actual innocence and is being blocked by the U.S. Government and his own Defense Counsel, threatening to stand in his way, one way or another. Bullied by ineffective counsel, colluding with the U.S. Government, into falsely pleading guilty. **However the "plea agreement" does not waive the plaintiff's right to collateral attack under a Section 2255 Motion for the ground of actual innocence**. No facts of actual innocence can even be demonstrated without any access to the original evidence that was used by the U.S. Attorney office in Greensboro, NC to indict and convict the plaintiff. The plaintiff only wants his Constitutional rights that he was deprived of since being arrested by Special Agent Brian Dexter of the U.S.

Department of Homeland Security ("DHS"). The U.S. Attorney and plaintiff's own legal counsel have both betrayed the plaintiff and both would not allow him to prove innocence, making it as difficult as possible. Dismissal of this lawsuit makes plaintiff's criminal conviction look illegitimate since that criminal case has a ton of contradictions and pro se filings, it just makes it look like the U.S. Government simply wanted to convict him, make him a sex offender even though a virgin, and force him to be sentenced under U.S. Probation for a crime that he did not commit.

6. **Objection #4:** Defendants' Attorney stated that "*Paragraph III (1) contains conclusions of law and plaintiff's characterizations of legal arguments to which no response is required. To the extent an answer is deemed required, defendants deny the allegations in paragraph III (1).*" The facts that were demonstrated in the Complaint do show that the Defendants (1)Executive Office for United States Attorneys ("EOUSA") and (2)United States Department of Justice ("U.S. DOJ") did release a portion of all records that were originally retained by the U.S. Attorney office of Greensboro, NC, and the released records were also of things that may be exempted under the FOIA but as a criminal defendant, since he has not exhausted his right to file a writ of habeas corpus petition under Section 2255, he still has a right to at least get access to a copy of the very evidence that was originally used to wrongfully indict and convict the plaintiff while systematically being deprived of due process in Greensboro. The letter from defendant EOUSA admits that "68 page(s) are being released in full (RIF); 26 page(s) are being released in part (RIP); and that 0 page(s) are withheld in full (WIF)." (See Doc. #2-3, pages 11, 12, and 13 of 15) thus proving that a portion of law enforcement records were released to plaintiff but not all of the records, used to wrongfully convict the plaintiff, were ever released to the plaintiff. So the

defendants' release a portion of law enforcement records, 19 pages of a 20 page police report that the plaintiff already had a non-redacted copy of, but it isn't enough to prove facts of actual innocence before even attempting to file a habeas corpus petition. Without enough evidence, the 2255 Motion risks being denied and then the plaintiff will be stuck on the Virginia Sex Offender registry for a very long time, in addition to being entirely deprived of due process, not allowed to prove actual innocence as if it was a federal crime to prove innocence before a mandated jury trial. The founding fathers of this country would never approve of a criminal defendant not having any rights prior to trial such as a real defense lawyer that fights for his client, and then being forced into a false guilty plea agreement or face a lot of years in a federal prison. George Washington and Thomas Jefferson would never had agreed to that in our legal system today. Anyways, the plaintiff clearly has proven that the U.S. Attorney office, through the EOUSA, has released a portion of protected law enforcement records, but again it is not enough for the plaintiff to demonstrate any clear facts of actual innocence which is needed before the plaintiff can file a 2255 Motion. Without enough evidence, the plaintiff will be in a worse situation, risking revocation of his prison sentence of time served, and never have any other opportunity to prove innocence outside of prison, since prison prevents anybody from proving factual innocence without the assistance of pro-bono legal counsel. The chances of a defendant accused of child pornography receiving pro bono legal counsel are zero to none because it is considered such a horrible offense. Another point to this objection is that under Document #2-5, Pages 1 to 4, it demonstrates that the "Certificate of Delivery, State Bureau of Investigation, Case File," also known as SBI case File in the original FOIA request, stated that the Subject/Suspect(s) was Brian David Hill. The

criminal case known as the United States of America v. Brian David Hill makes it obvious that the case file was originally used by Assistant U.S. Attorney Anand Prakash Ramaswamy to indict the plaintiff. The document, although grainy and hard to read, has characters that can be read such as that it was delivered to an "AUSA A. Ramaswamy" on the date of "10/23/2013". So there is records that should have been or are in the custody and control of the defendants' or at least in the U.S. Attorney office of Greensboro, NC. Even John Scott Coalter has a copy of that discovery evidence. Then the U.S. Attorney did have that record within their custody, and was originally used by the U.S. Government to indict the plaintiff. For the U.S. Government to deny the allegation that records did in fact exist, which is subject to the FOIA, but were not released in EOUSA's response is more than a little suspicious considering the fact that child pornography did download between the dates July 20, 2012, and July 28, 2013, and that was the claim was made inside of Page IV of the SBI Case File". Mayodan Police Report was released in the FOIA response envelope but the 20th page was missing from the envelope, missing from the FOIA request, even though all 20 pages were relevant to the indictment and wrongful conviction of the plaintiff. There is no excuse to act as though what they released is all of the records that are within the U.S. Attorney's possession and control.

7. **Objection #5:** Defendants' Attorney stated that "*Paragraph III (2) contains conclusions of law and plaintiff's characterizations of legal arguments to which no response is required. To the extent an answer is deemed required, defendants deny the allegations in paragraph III (2).*" And "*Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph III (3).*" So that basically means that what was factual, what can be proven on its face, is all being denied by the

U.S. Government. Why would the EOUSA only release a portion of all law-enforcement records including photographs taken by Mayodan Police Department? And then deny allegations that not all records were within the response envelope from the EOUSA? That is why the plaintiff makes allegations of possible cover up, concealment, or destruction of records that could help the plaintiff prove factual innocence via affirmative defense of frame up. Because why only release a portion of what was originally used against the plaintiff? Why would the defendants' release a portion of the law enforcement and/or relevant records and then claim as though the rest do not exist by stating that 0 records were withheld in full? Why would the U.S. Government make certain criminal records disappear which are all investigative reports by law enforcement, but then release 19 pages of a 20 page police report and police photographs? Why is the U.S. Government so contradictory when all the plaintiff wants is answers, and a right to prove his factual innocence? They deny allegations which can be proven true by the witnesses of Kenneth R. Forinash, Roberta Hill, Stella Forinash, and plaintiff that are willing to testify under Affidavit/Declaration as to these facts. The leaked SBI case file photos of a small portion of the record by an anonymous witness or whistleblower named MasterOfFu on 3/13/2016, which was exhibited under oath to be admissible under the Federal Rules of Evidence (See Doc. # 2-5). It has the name of the Assistant U.S. Attorney A. Ramaswamy, which shows that he should clearly have the record, but it wasn't withheld in full and was not withheld in part according to the EOUSA letter in response to plaintiff's FOIA request. Prima facie evidence (unless proven otherwise) shows an evidential basis that the defendants' should have a copy or original of the SBI Case File that had the name of the AUSA Ramaswamy on the leaked photograph of the "certificate of

delivery". For the U.S. Government to deny the allegations that were raised prima facie, shows either ignorance, a true cover up of evidence records material vital to proving any factual matter of actual innocence or which could have led to a Jury acquittal of the plaintiff. The denial isn't true and doesn't explain in their answers how a leaked SBI case File and other evidence clearly shows that a portion of law enforcement records were released without being withheld in full but the very important records seem to have disappeared according to my dealing with the EOUSA. On Paragraph (7), it does show that the U.S. Attorney would be aware and have knowledge of the SBI Case File and other evidence, that the very same U.S. Attorney office is denying knowledge of its existence.

8. **Objection #5:** Defendants' Attorney stated that "*Paragraph 4 contains conclusions of law arguments to which no response is required. Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph 4 that relates to plaintiff's characterization of his physical and mental condition. To the extent an answer is deemed required, defendants deny the allegations in paragraph 4.*" They have denied knowledge of or any information sufficient to response to that paragraph. However that denial isn't true because the U.S. Attorney of Greensboro, NC, did have knowledge of plaintiff's autism, and type 1 diabetes. Knowledge of plaintiff's Autism, type 1 diabetes, and Obsessive Compulsive Disorder ("OCD") was included in the Presentence Investigation report (See Doc. #33, filed 09/16/2014, Pages 1 to 26, Case #1:13-cr-435-1, U.S. District Court in the Middle District of North Carolina), the "Health Deterioration Report #2/Week 2" (See Doc. #108, filed 06/15/2015, Pages 1 to 5, Case #1:13-cr-435-1, U.S. District Court in the Middle District of North Carolina), "SECOND DECLARATION ON

CONDITIONS AT THE TIMES OF FALSE ADMISSIONS OF GUILT" (See Doc. #82, filed 04/27/2015, Pages 1 to 8, Case #1:13-cr-435-1, U.S. District Court in the Middle District of North Carolina), "Request for Modifying the Conditions or Term of Supervision with Consent of the Offender" (See Doc. #86, filed 04/29/2014, Pages 1 to 3, Case #1:13-cr-435-1, U.S. District Court in the Middle District of North Carolina) , and other various filings all admit to the plaintiff having Autism, OCD, and Type 1 Diabetes. The defendants' Attorney has made an error in the denial by claiming that they had no knowledge of the plaintiff's health problems. The U.S. Attorney office in Greensboro, NC, were well aware of the plaintiff's health issues. The Government including the U.S. DOJ was fully aware of plaintiff's health issues, whether it be just one diagnosis or more. That right there is an error, lack of competence, or a lie, denying what is the truth.

9. **Objection #6:** Defendants' Attorney stated that "*Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph 5.*" In the original FOIA request, plaintiff had filed a Declaration and Certification of Identity (Form Approved OMB No. 1103-0016) (See Doc. #2-7, Pages 9 to 12) in the **Exhibit 7** "FOIA Request to Executive Office of United States Attorneys and US Attorney Office of Greensboro, NC." Under Document #2-7, it stated that the U.S. Attorney was made aware during the FOIA request that plaintiff was a citizen of the United States, that was born on May 26, 1990, it was documented on the criminal case docket sheet that the plaintiff was indicted on November 25, 2013, and the arrest warrant was issued on November 26, 2013. Also it said that "Brian was charged by Assistant U.S. Attorney Anand Prakash Ramaswamy of the U.S. Attorney Office located at 101 S. Edgeworth ST., 4th Floor, in Greensboro, North Carolina". Everything in that paragraph is

factually true, and yet the U.S. Government denies knowledge or information sufficient enough to form a response. It seems like it doesn't matter what evidence plaintiff mails, faxes, or tells the U.S. DOJ over the phone. The U.S. DOJ doesn't care about the plaintiff trying to prove innocence to overturn his wrongful conviction to get off the Virginia Sex Offender Registry.

10. **Objection #7:** Defendants' Attorney stated that "*Defendants deny each and every allegation made in paragraph 6 of the Complaint, except to admit only that EOUSA is a sub-component of DOJ.*" Paragraph 6 of the Complaint is completely accurate. Paragraph 6 states that "The Executive Office for United States Attorneys ("EOUSA") is a component of DOJ. Defendant DOJ is the federal agency with possession and control of the records from the EOUSA and is responsible for fulfilling the FOIA request of Brian D. Hill." That is exactly correct. The U.S. Department of Justice is a federal agency and the Executive Office for United States Attorneys is a component within the U.S. DOJ. What does the U.S. Government mean by "sub-component" of DOJ when the FOIA office usually uses the term "a component of Department of Justice" making it sound as if there is an agency over the EOUSA but under the U.S. DOJ? Component sounds more accurate than sub-component when plaintiff dealt with the FOIA offices.

11. **Objection #8:** Defendants' Attorney stated that "*Defendants deny each and every allegation made in paragraph 7, except to admit only that DOJ is an agency of the United States Government with its headquarters in Washington, DC.*". However paragraph 7 has and I excerpt that "*Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f). The Executive Office for United States Attorneys ("EOUSA") is a component of DOJ. Defendant DOJ is the federal agency with possession and control of the*

records..." They are a valid component within the meaning of 5 U.S.C. § 552(f). If they were not a valid component then they never would have mailed out a FOIA response letter. The U.S. Government is denying something that is totally a fact in the matter of federal agencies and the law.

12. **Objection #9:** Defendants' Attorney stated in Answers 12 to 14 basically similar answers and have the same type sentences at the end stating that "To the extent an answer is deemed required, defendants deny the allegations in paragraph" 8, 9, and 10. It didn't even object to the "Request to Expedite the FOIA Proceedings" but just simply denied all of the claims made in those, and don't really give any kind of answer other than denial.

13. **Objection #10:** Defendants' Attorney stated that "*Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph 18 of the Complaint, except to admit only that plaintiff sent several letters to EOUSA, two of which were dated July 25, 2016 and August 29, 2016. As to the content of the letter, it speaks for itself. To the extent that plaintiff's allegations regarding the content of the letter differ from the letter itself, those allegations are denied.*" The reason the allegations differ from the FOIA request letters to the EOUSA is because the plaintiff would not have known that only a portion of the records would be sent to plaintiff but that it would be only 19 pages of a 20-page Mayodan Police Report, and the plaintiff would not have known that all other records that should have been under the Greensboro U.S. Attorney's control and/or possession, were not included in the FOIA response letter. The fact that it said 0 records were withheld in full, especially the SBI case file, would cause the plaintiff to have theories as to why other records would somehow not exist. That letter never gave a Glomar response. It never said anything such as "we neither confirm nor deny the existence of such records." So they

are withholding records that should have been or may still continue being in defendant EOUSA's existence.

14. **Objection #11:** Defendants' Attorney stated that "*Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph 24 of the Complaint, except to admit only that upon information and belief, plaintiff sent a letter to OIP that was dated February 20, 2017. As to the content of the letter, it speaks for itself. To the extent that plaintiff's allegations regarding the content of the letter differ from the letter itself, those allegations are denied.*" The U.S. Government does not cite any valid evidence or anything as to how the allegations regarding the content of the letter differ from the letter itself. The U.S. Attorney needs to clarify on that one. It stated that "*Plaintiff filed an administrative Appeal as remedy under the Office of Information Policy (OIP). Filed under the FOIA Appeal Number DOJ-AP-2017-002520. That appeal was received in the system and filed as of February 20, 2017 ("02/20/2017") according to the acknowledgement letter. (Citing Exhibit 3)*". The claim that the allegations differ from the letter doesn't sound credible as Exhibit 3 (See Doc. # 2-3) which was cited in Paragraph 24 clearly shows that that there was a Freedom of Information Act Appeal filed on "2/20/2017" and was filed through fax with the Director of Office of Information Policy ("OIP"). The only credible means by what the U.S. Government means by "differing" was that citing the Exhibit of such letter would differ from the paragraph talking about the Exhibit since the Exhibit could only be produced after the fact of what had happened. It makes it sound as if the paragraph doesn't accurately describe Exhibit 3 of the Complaint, so because of a vague claim that it differs from the letter, that the allegations are denied.

15. Because of each paragraph containing basically the same claim of defendants' denying every allegation, the plaintiff feels that objecting to each answer individually is wasteful as it appears that most answers or more contain the same argument and/or claim. The plaintiff does not see how the defendant can just claim that they can deny in every answer and act as though that it isn't a valid complaint on its face, or even act as though that they absolutely had no knowledge of wrongfully convicting the plaintiff, that the U.S. Attorney office of Greensboro was aware of the plaintiff's serious health issues including Type 1 diabetes (brittle), Autism Spectrum Disorder, and Obsessive Compulsive Disorder. The U.S. Government is denying things that they did have knowledge of. The U.S. Government doesn't want to ever admit that they had possibly convicted an innocent man and forced him against his will to register as a Sex Offender in the Commonwealth of Virginia. The U.S. Attorney in Greensboro is very cruel and doesn't care about throwing virgins and innocent people (including frame up victims) onto an already bloated Sex Offender Registry as apart of the broken SORNA law. The Sex Offender Registration and Notification Act ("SORNA") is broken because both federal and state prosecutors don't care how many innocent people are forcefully added to the sex offender registry, and in some cases forced onto lifetime of wearing a GPS electronic monitoring which is also wrong. Legal research with help of his family, and the plaintiff learning of what other lawyers have filed then adopting the arguments to the plaintiff's own situation, does show that if a real lawyer can argue the same basic things as for this complaint, that it should be considered valid on its face. It makes it sound like the defendants' aren't taking the complaint as serious as they should be, that they don't care what they had done to plaintiff Brian David Hill. They don't care how many

innocent men and women are forced onto the sex offender registry system and mandatory living restrictions, and permanently barring them from using the internet which violates their freedom of speech as the **U.S. Government knows that using the sex offender registry to bar them from using the internet can stifle and bar any form of protesting, free political speech, and activism of government corruption. All a Government agent has to do is plant a little child porn and the victim's rights to using the internet and living wherever they please are permanently taken from them, and their lives are ruined forever.** The defendants have caused a wrongful conviction of an innocent man, an innocent man convicted in the Middle District of North Carolina, forced to register as a Sex Offender in the Commonwealth of Virginia since November 2014 with a constant threat of imprisonment if the plaintiff refuses to continually re-registering as a sex offender and jump through the state police hoops as directed like a slave. **The corrupt U.S. Attorney office of Greensboro, NC, didn't want the plaintiff to prove his actual innocence, didn't want the plaintiff to prove false confession, and so the plaintiff is having to sound like a broken record, saying the same thing on court record, over and over again, making the same claims, saying the same story. This is ridiculous that both the U.S. Attorney office and legal Counsel John Scott Coalter will not just simply give the plaintiff unfettered access to the criminal case discovery materials needed to prove the factual matter of actual innocence to file in a 2255 Motion. The plaintiff is sick and tired of being stonewalled, blocked from all and any legal actions to which can produce a viable means of being able to prove factual innocence.** What if the plaintiff just decides to file a Constitutional type of Motion for a new trial or A 2255 Motion based on what the plaintiff is already aware of so far,

but will the U.S. Attorney even agree to discovery upon the 2255 Motion or will they continue stonewalling the plaintiff for years until he commits suicide out of feeling helpless and victimized by a corrupt federal agency that has no morals? (See Doc. #12) **How can a plaintiff have any due process by being blocked from getting the discovery from the United States Attorney and blocked by his own defense Counsel that threatens or made a veiled-threat to dispose of the discovery evidence materials (See Doc. # 2-8), so that the plaintiff is stuck as a sex offender for a very long time?** Mr. John Scott Coalter the corrupt defense attorney was even willing to tell a U.S. Air Force veteran that he may destroy the discovery materials which means that he served this great country only to be told that the plaintiff has no rights to prove his innocence, that the soldiers that fought for the United States have fought in vain for the corrupt lawyers of this country that ruin innocent people's lives because they are too poor to afford justice. This **completely makes his criminal conviction as structurally defective as possible.** The **U.S. Attorney is as heartless as stone, cold as ice, and doesn't care about the law or a criminal defendant's rights**. All a **U.S. Attorney seems to care about anymore is bullying each defendant into a guilty plea, make deals with the Federal Public Defender.** That is what it all boils down to. If a **defendant is indigent then that defendant will highly likely be found guilty, versus criminal defendants like Michael Jackson and OJ Simpson which were both found not-guilty by juries, whether they were really guilty or not, because they could afford the best lawyers and expert witnesses that money can buy. Michael Jackson and OJ Simpson can buy justice but not the plaintiff.** The **plaintiff cannot afford justice so he has the choice of taking the guilty plea or face twenty years in prison, with never any real investigation to**

see if the U.S. Government was telling the truth and using factual evidence, or that it was false and a frame up. Justice has become a money maker in the criminal justice system. Those who cannot afford to buy justice are left in prison and/or at the Government's mercy. The plaintiff objects to all stupid, idiotic, and baseless claims in the Government's answers.

16. **Objection #12:** Defendants' Attorney stated that "*The paragraph beginning "WHEREFORE," along with subparagraphs numbered 1 through 8, merely constitutes plaintiff's prayer for relief to which no response is required. To the extent that this paragraph may be deemed to contain factual allegations to which a response may be required, they are denied.*" The U.S. Government doesn't even object to it, but mainly just makes yet another claim of denial.

17. **Objection #13:** The Plaintiff objects to all other paragraphs of the Defendants' Attorney's answers on Document 9. Denial of all allegations in the complaint is not a good enough reason for any Judge to just dismiss the case or rule in the defendants' favor. The plaintiff was happy to file Exhibit after Exhibit of evidence compliant with the Federal Rules of Evidence and Federal law, Declarations and/or Affidavits, and bring up case law in favor of plaintiff's complaint**. Is it such a crime in any United States Court to want to prove actual innocence? Is it such a bad thing for a criminal defendant to want to prove innocence? Has American Courts gotten so used to each criminal defendant taking the guilty plea? Do U.S. Attorneys nationwide no longer care about innocent people being incarcerated and putting them in situations where they have to falsely take the guilty plea which was outlined by the Innocence Projects?**

The plaintiff needs the discovery evidence material for the purpose of proving actual innocence. However without access to such evidence, this makes it nearly

impossible (if not impossible) to prove plaintiff's actual innocence in a Section 2255 Motion making it a risk of failure or risk of a higher prison sentence, when the plaintiff does have evidence which can point towards any facts of actual innocence via the "affirmative defense of frame up," as recognized by the United States Supreme Court. **How can a criminal defendant make any credible and factual claim of actual innocence in front of any Judge when being deprived of due process every step of the way and attorneys from both sides of the case will not let the criminal defendant prove innocence? Take the guilty plea or face twenty years in prison? Why did the U.S. Attorney do this to the plaintiff and can sleep at night, every night, without feeling any remorse or guilt?**

EVIDENCE THAT DEFENDANTS' WILL NEVER INVESTIGATE ANY OR ALL ALLEGATIONS OF CORRUPTION OR POSSIBLY CRIMINAL ACTIVITIES WITHIN THE UNITED STATES ATTORNEY OFFICE

The plaintiff has received a letter from the U.S. Department of Justice, the Office of the Inspector General ("OIG") (See **Exhibit 1** which is attached to this written objection).

Exhibit 1, in attachment, proves that the Office of the Inspector General has contacted the plaintiff in regards to plaintiff's correspondence dated March 20, 2017 and April 26, 2017. However according to Document #2-2 which shows a March 11, 2017 letter that was also directed to the OIG, Document #2-3 showing a February 20, 2017 letter directed to the OIG, Document #2-6 showing a copy of a March 6, 2017 letter contained within a certified mailed envelope, and Pages 2 to 3 of 4 also shows that a photocopy of that letter (Cert. Mail # 7016 1970 0000 9602 0033) was to be given to the "Office of the Inspector General" including a

disc sleeve containing a Video DVD disc (complaint with DVD players) and another DVD containing a high definition video file which can only be played on computers that accept the MPEG-2 codec. The plaintiff has faxed or mailed copies of the very same papers and materials to the Office of the Inspector General that was originally sent via fax and mailing to the Office of Information Policy ("OIP"). The Court can subpoena them to testify to this fact. The plaintiff has evidence that the OIP did receive fax transmissions during the FOIA Appeal and review process.

Exhibit 1, clearly shows that the Office of the Inspector General will not conduct any investigation whatsoever into plaintiff's claims of corruption and misconduct within the U.S. Attorney office of Greensboro, NC. They can do whatever they want, whatever they please, they can withhold evidence and pressure innocent people into falsely pleading guilty or face serious prison time, and collude with the defense attorney in criminal cases. The OIG did not investigate plaintiff's allegations alleged in his various FOIA Appeal filings. What the plaintiff has filed is not all of the FOIA Appeal filings due to printer ink and cost issues, so the plaintiff recommends that the Court subpoena the Office of Information Policy ("OIP") for a list of all filings that were made during the FOIA Appeal process.

The issue plaintiff is making here is that the OIG decided not to investigate any of the allegations of misconduct including possible cover, concealment, or destruction of criminal case files that are needed during the discovery phase in a criminal case, for **a criminal defendant to try to prove to a Jury that he should be found not guilty under the adversarial system which is guaranteed by the U.S. Constitution including the due process clause**. Once the U.S. Government makes a claim that the criminal defendant did possess child pornography in violation of

federal law which involves interstate and foreign commerce, then the burden of proof is on the criminal defendant to try to convince a Jury that the criminal defendant did not knowingly attempt to possess child porn but was framed with child porn and/or that somebody else (including computer hackers, viruses, etc) planted the child porn on the suspect's computer.

The OIG did not investigate nor will they ever investigate the allegations against the U.S. Attorney office of Greensboro, instead they had forwarded it to the "Office of Information Policy (OIP)," which is the exact same office that had affirmed the decision of defendant EOUSA (See Doc. #4-6). So the OIG will allow possible corruption and misconduct within the U.S. Attorney and won't do anything to investigate it. Without an investigation the truth and facts of misconduct may never come to light unless there are government whistleblowers willing to lose their jobs to combat the corruption within their agencies. Since the U.S. DOJ doesn't want to investigate or do anything to right the wrongs, how can they accurately and credibly deny all allegations that the plaintiff has brought up. The allegations are backed by Exhibits, Declarations under Oath, and third party witnesses outside of the named parties of this case. The evidence trumps the flat out denials by the U.S. Attorney office of Greensboro when they are presenting no proof in answering the allegations in the Complaint under Document #2. The U.S. Attorney office has presented not even one Declaration or Exhibit in this civil case. The U.S. Attorney office of Greensboro has no credibility except their only goal is winning their cases against poor criminal defendants that sit in jail every day, being transported and handcuffed and shackled by U.S. Marshals and being medically mistreated. The U.S. Attorney office of Greensboro outta be ashamed of themselves for the injustices that they have caused.

OBJECTION TO DEFENDANTS' DEFENSES

Objection #14: Defendants' Attorney asserted the defense of "*Plaintiff is not entitled to compel the production of responsive records protected from disclosure by one or more of the exemptions or exclusions to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, or the Privacy Act ("PA"), 5 U.S.C. § 552a.*" The EOUSA already released part of the entire discovery packet, which essentially are protected law enforcement records, which the EOUSA did not object to. They already released part of the records which may be considered exempt. That is because the fourteenth amendment requires that a criminal defendant be allowed to get access to the evidence that the U.S. Attorneys will use against them in court according to Brady v. Maryland and Giglio v. United States. **The reason was so that innocent people are never convicted in federal courts.** Even Angel E. Gray of the Legal Counsel at the North Carolina State Bureau of Investigation said that "Again you would need to work with your trial counsel or the District Attorney's Office to obtain a copy of the SBI file in this matter." (See Doc. #2-2, Page 34 of 47). Plaintiff's own defense attorney from his own criminal case is refusing to let the plaintiff prove his own innocence. The plaintiff is being blocked by the federal prosecuting attorney. According to the 14th Amendment of the U.S. Constitution, Due Process clause (citing Brady v. Maryland, 373 U.S. 83 (1963), Federal Rules of Criminal Procedure 16 and 26.2, 18 U.S.C. § 3500 (the Jencks Act), Giglio v. United States, 405 U.S. 150 (1972).) the plaintiff still clearly has a right to try to prove actual innocence. The defendants cannot continue injuring the plaintiff by forcing him to continue his supervised release, mandatory sex offender registration, not being allowed to use the internet, and other horrors forced upon him. The plaintiff has already asserted claims under Oath and has exhibited a lot of evidence that shows that the plaintiff's constitutional rights prior to his guilty plea

and prior to the final conviction were entirely deprived. The plaintiff only wants to prove actual innocence and the U.S. Attorney has a vested interest, in a sick and perverted way, of forcing an innocent man to say that he is a pedophile, and that he is guilty of possessing child porn in such a way that forces him to register as a sexual offender. None of this is right. The plaintiff could have proven his innocence but the BULLY of the U.S. Attorney of Greensboro, a mean typical bully or bullies that wants to get ahead in their careers by stomping his/her feet on innocent people and driving them into the dirt. Not everyone is a pedophile and not everyone is guilty of a crime. The exclusions and exemptions of FOIA should not matter **when it concerns a convicted felon trying to prove his own actual innocence. The defendants have waived those exemptions when they released part of the entire discovery, and released 19 pages of the Mayodan Police Report which is considered yet another FOIA exempt also under technicality. It is implied consent, when the U.S. Attorney office did release some of the protected law enforcement records, since the Mayodan Police did indeed release a copy of their law enforcement record aka the 20-page Mayodan Police Report, and that it shows the U.S. Government has implied consent to releasing protected law enforcement records only pertaining to the plaintiff since he had requested records only pertaining to himself ("self") to try to prove his own innocence.** So the U.S. Attorney office released part of the entire discovery records but then cry and moan after the FOIA lawsuit that those records are exempt from disclosure when those very records have exculpatory information that can help raise a lot of reasonable doubts at Trial and/or actual innocence. Plaintiff has signed and faxed a form for records regarding himself that meets the standards under the U.S. Privacy Act. The plaintiff has risked penalty of perjury to try to prove actual innocence. The plaintiff still has a constitutional right to proving actual innocence. The plaintiff still has a right to discovery since he was never

given such rights before his guilty plea, and even after his guilty plea. He was completely barred from his discovery packet from his own criminal case that he was a victim of being wrongfully convicted. **How can the U.S. Justice Department be so unsympathetic, mean, being jerks, lying, uncaring, bullying, and being nasty to an innocent man who just doesn't want to remain as a falsely registered sex offender anymore? How can our Federal Courts be okay with convicting an innocent man and forcing him to register as a sex offender? How can any of this be okay and Constitutional? Especially when the plaintiff has thought multiple times about committing suicide (See Doc. #12-2) over this entire criminal matter?** The plaintiff is fighting to prove his innocence so that he doesn't have to kill himself because of the stigmatization and torment. **When an innocent man becomes a sex offender, it threatens human life and safety. It discredits the sex offender registration and notification act, it discredits the public defenders in federal courts, it discredits the judges, it discredits the entire judicial system, and nobody will believe in it anymore if this trend continues.** The plaintiff will continue asserting that he was framed and tell people not to trust the criminal justice system anymore if he continues being denied justice, as courts will no longer be trustworthy when convicting people wanting to prove innocence and refusing to let them prove their own innocence. Under Document #12, it is evident that the plaintiff has thought about suicide since 2012, since being interrogated by the Mayodan Police, and the suicide had led to an attempt of suicide in December, 2013, before being arrested by Department of Homeland Security. **Is it legally wrong to prove innocence? Has Congress as well as John Walsh (the father of Adam Walsh) become so cold that they don't care about how many innocent people ends up on the sex offender registry? I hate the sex offender registry, I hate everything about it, and the piles of restrictions they can just add on without warning, without any care in**

the world. My point is ALL plaintiff wants to do is prove his innocence, to not just end his life over all of this garbage, an innocent man should have a right to prove his innocence and no corrupt immoral federal prosecutor should ever stop that.

Objection #15: Defendants' Attorney asserted the defense of "*As to some or all of the claims asserted in this action, plaintiff has failed to state a claim upon which relief may be granted under FOIA*." That is not true. The plaintiff has not waived his right to file a 2255 Motion. A plaintiff cannot succeed in proving actual innocence without access to the very evidence that was originally used against him in criminal court. All he waived was his basic rights to a trial, because he never was given such rights while sitting in jail and not being given proper medical care. **How would any Judge or government official felt if they were in the plaintiff's shoes, sitting in jail every day, not being given proper medical care including diabetic insulin putting the inmate at high risk of seizures or comas or death, your weight drops, your health starts deteriorating, and your told you will face twenty years in prison or falsely plead guilty to get time served but repercussions that you will have to claim you're a pedophile and be a registered sex offender for a crime that you did not commit? If all Judges in Greensboro were ever in plaintiff's situation, he would not have been treated the way he had been in Greensboro.** All the plaintiff wants to do is prove his innocence and overturn his conviction. His conviction is wrong and unconstitutional. It is unconstitutional because the U.S. Attorney doesn't want the plaintiff to ever be allowed to prove his innocence, doesn't want him to have any good medical care while incarcerated, and because the U.S. Attorney does not want the plaintiff to have any effective assistance of counsel, like a rigged pinball machine game where tilting is allowed for one player while the other player is expected not to tilt the pinball machine or will get in trouble, a double standard if

you will. **When is it ever going to be okay for an innocent man to be relieved from the sex offender registration duty? When is the plaintiff ever going to be allowed to prove factual innocence? Will it be after he decided to commit suicide like Aaron Swartz that he will be allowed to prove his innocence? Will it be after another American revolution like in 1776? When will plaintiff ever be given his rights to prove his innocence? Is it such a horrible horrible thing to prove innocence? Why should plaintiff continually be stonewalled and blocked, and told that he will never have any right to do anything to prove innocence while suffering under the Virginia Sex Offender Registry from hell? Why is the U.S. Attorney such a bully? Does the defendants' only care about the outcomes of criminal convictions that discredit the court system as well as the Adam Walsh Act? Why is the U.S. Government so corrupt and criminal behaving that they don't care about taking good common people's rights away like it was nothing?** Benjamin Franklin said those that sacrifice liberty for a little temporary safety deserve neither liberty nor safety. **America will never have a safe country as the sex offender registry no longer has credibility and I guarantee the entire court that nobody will ever respect the sex offender registry again the more these wrongful convictions continue. How long must plaintiff continually suffer until he is permanently hospitalized from stress and depression or takes his own life? Whatever the case may be he clearly has a right to overturn his conviction because he was never given any Constitutional rights and was clearly forced into the guilty plea agreement like all the other poor people out there that couldn't afford million dollar attorneys. What is important?** Keeping the U.S. Government happy or that the Court can make the U.S. Government serve the American people. The U.S. Government is not plaintiff's master. His masters is God and Jesus. Plaintiff is not going to continually be a slave to the criminal justice system nor should he

continually be a slave to its horrible ragged teeth. Plaintiff clearly has a right to have access to the discovery evidence for the purposes of proving actual innocence.

Objection #15: Defendants' Attorney asserted the defense of "*This Court lacks subject matter jurisdiction to the extent plaintiff has failed to allege that there is an improper withholding of agency records.*" That is not true. Document #2-5, a hacker or whistleblower leaked the SBI document photos which shows one leaked image to where "AUSA Ramaswamy" was named in the "certificate of delivery" of the "state bureau of investigation" case file of North Carolina. That record was not mentioned in the FOIA response letter stating that "0 records were withheld in full." Records are withheld improperly under the FOIA when evidence exists that the records are within the custody and control of a federal agency. The U.S. Attorney does not have a valid excuse as to why they would release partial law enforcement records and yet now claim that those records are exempt and that the plaintiff has failed to state any valid claim upon which relief may be granted. The prima facie evidence clearly shows that the leaked document photograph has the name of the Assistant U.S. Attorney, and shows that it was clearly hand delivered to him before the indictment of Brian David Hill, the plaintiff. One page of the leaker says Ripley rand whom is the former U.S. Attorney of Greensboro. The Declaration under Document #2-3, Pages 14 to 15, prove that there clearly was a cover up or concealment of records that the plaintiff is clearly entitled to, otherwise it prevents him from proving his actual innocence. He is entitled to his discovery packet as a criminal defendant. He wants to file a habeas corpus petition under 2255 once he has enough evidence to demonstrate his actual innocence. Plaintiff has asserted his actual innocence (See Document #4-7) under both a formal Affidavit and a Declaration that was mailed to The White House. The plaintiff

needs to be able to build a case of factual innocence otherwise he is doomed to the sex offender registry for a long time.

Date of signing:

June 13, 2017

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 2
Martinsville, VA 24112
Phone #: (276) 790-3505

U.S.W.G.O.

Declaration for Exhibit 1 attachment

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. **I am Brian David Hill, also known as Brian D. Hill, and am the plaintiff in the Federal civil case Brian David Hill v. Executive Office for United States Attorneys et al., Civil Case No. 4:17-cv-00027. I file this Declaration with the Court with original signature as a sign of good faith and demonstrating factual evidence showing good cause for such action.**
2. **Attached hereto as Exhibit 1, is a true and correct copy of a 1-page letter from the Office of the Inspector General ("OIG") of the U.S. Department of Justice ("U.S. DOJ"). This is 1 page. It was dated at the time/date of May 11, 2017.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13, 2017

Brian D. Hill
Signed

Signed

Brian David Hill(Pro Se)
Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2. Martinsville, VA 24112

U.S.W.G.O.

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2017, I filed the foregoing
PLAINTIFF'S OBJECTION TO THE DEFENDANTS' "ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF"
+ MOTION ASKING THE COURT TO REQUEST LEGAL COUNSEL TO REPRESENT THE PLAINTIFF
+ Plaintiff Signed "NOTICE TO PARTIES OF RIGHT TO CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE"
was filed with the Clerk of the Court by mail via United States Postal Service, Postage prepaid. Certified mailing Tracking # 7016-1370-0002-2158-5983

A copy of this filing was also mailed to the following defendants' Attorney:

Certified Mail tracking #:
7016-1370-0002-2158-5990

U.S. Attorney Office
Civil Case # 4:17-cv-00027
P.O. Box 1709
Roanoke, VA 24008

Brian D. Hill
Signed

Plaintiff requests with the Court that copies of this filing be served upon the defendants' as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!